



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 10, 2015

CBCA 3627, 3722, 3766, 3784, 3789, 3898, 3968, 3973, 4003, 4025, 4067, 4106, 4109,
4141, 4146, 4310, 4312, 4318, 4322, 4325, 4329, 4333

KIEWIT-TURNER, A JOINT VENTURE,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

William E. Dorris, Chad V. Theriot, Reginald A. Williamson, and Elizabeth C. Akins of Kilpatrick Townsend & Stockton LLP, Atlanta, GA; and Michael A. Branca of Peckar & Abramson, P.C., Washington, DC, counsel for Appellant.

Charlma Quarles, Cecily Chambliss, Eyvonne Mallett, Benjamin Diliberto, and Khaliah M. Wrenn, Office of General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

The Department of Veterans Affairs (VA) contracted with Kiewit-Turner, a Joint Venture (KT) for the construction of a medical center campus in Aurora, Colorado. KT has submitted numerous claims to the VA contracting officer regarding work done under this contract. KT has appealed from the contracting officer's decisions on those claims.

CBCA 3627, 3722, 3766, 3784, 3789, 3898, 3968, 3973, 4003, 4025, 4067, 4106, 4109, 4141, 4146, 4310, 4312, 4318, 4322, 4325, 4329, 4333 2

On September 8, 2015, the parties filed a joint motion to dismiss with prejudice twenty-two of those appeals, as follows:

- CBCA 3627 (PCO (proposed change order) #136/CM (change management) #383, RME contract delay; PCO #92R1/CM #125, CDI-8 design changes; PCO #91R1/CM #227, CDI-9 design changes; PCO #73/CM #273 - RFI #469, OSI separation collar; PCO #217/CM #482, OSI phase 4 temp electrical; PCO #267R2/CM #501 - JSI-51, OSI phase 4 waterline – total sought, \$143,660);
- CBCA 3722 (PCO #288, BP (bid package) #060 site furnishings, \$94,169);
- CBCA 3766 (PCO #430, BP #091 operable partitions, \$67,081);
- CBCA 3784 (PCO #436, millwork, \$1,678,074);
- CBCA 3789 (PCO #410, DSC elec/sewer conflict, \$82,831 and seventy-seven working days);
- CBCA 3898 (PCO #426, BP #097 rough carpentry, \$341,492);
- CBCA 3968 (PCO #432, BP #068 traffic control, \$1,720,754);
- CBCA 3973 (PCO #261, BP #155 pool and pool equipment, \$199,572);
- CBCA 4003 (PCO #491, Wheeling Stat. 14+58 stormwater DSC, \$41,494 and nine activity days);
- CBCA 4025 (CM #377.071/BP #156, medical laboratory equipment, \$897,724);
- CBCA 4067 (PCO #249, CM #377.026/BP #148, test and balance, \$555,229);
- CBCA 4106 (PCO #304, CM #377.032/BP #140, finish carpentry, \$138,111);
- CBCA 4109 (PCO #173, CM #038, additional inlet protection, \$62,438);
- CBCA 4141 (PCO #280, CM #377.028/BP #079, skylights, \$139,377);
- CBCA 4146 (PCO #260, CM #377.023/BP #092, wall protection, \$229,494);

CBCA 3627, 3722, 3766, 3784, 3789, 3898, 3968, 3973, 4003, 4025, 4067, 4106, 4109, 4141, 4146, 4310, 4312, 4318, 4322, 4325, 4329, 4333 3

- CBCA 4310 (PCO #66R1, DSC Montview SS/Telecom conflict, \$6591);
- CBCA 4312 (PCO #432, CM #377.062/BP #068, traffic control, \$1,720,754);
- CBCA 4318 (PCO #304, CM #377.032/BP #140, finish carpentry, \$138,111);¹
- CBCA 4322 (PCO #290R2/CM #668, steam vault at E 19th Place, VA RFI 1760; PCO #398R1/CM #815, SDMH B-3 location change; PCO #244R1/CM #505, OSI steam vault at 17+50; PCO #522R1/CM #1018, conflicts at 18+00 and 18+80; PCO #549/CM #1018.001, delayed cost due to COA delayed review – total, \$49,456 and sixty-one activity days);
- CBCA 4325 (PCO #280, CM #377.028/BP #079, skylights, \$139,377);²
- CBCA 4329 (PCO #260, CM #377.023/BP #092, wall protection, \$229,494);³ and
- CBCA 4333 (PCO #249, CM #377.026/BP #148, test and balance, \$555,229).⁴

The motion is granted. CBCA 3627, 3722, 3766, 3784, 3789, 3898, 3968, 3973, 4003, 4025, 4067, 4106, 4109, 4141, 4146, 4310, 4312, 4318, 4322, 4325, 4329, and 4333 are **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge

¹ This claim appears to be duplicative of the claim at issue in CBCA 4106.

² This claim appears to be duplicative of the claim at issue in CBCA 4141.

³ This claim appears to be duplicative of the claim at issue in CBCA 4146.

⁴ This claim appears to be duplicative of the claim at issue in CBCA 4067.